

68

f. (U) AFR 122-34 (Safety Rules to be Observed with the Air National Guard F101B&F/AIR-2A/W25 Weapon System) defines major using command responsibilities. The NGB is not a using command. The major using command must ensure that "administrative controls and procedures in section B are established and standarized in each using organization." Section B specifically states "the provisions of the U.S. Air Force Human Reliability Program (HRP) apply." Therefore, the federal chain of command for administration of the HRP within the ANG establishes Hq ADC (the using command and gaining command) as the MAJCOM for administering the provision of the HRP.

g. (U) In May 1973, the NGB telephonically advised the ADC Safety Directorate (SE) of its position that the gaining Major Command should process AFM 35-98, Personnel Reliability Program (PRP), and AFM 35-99,

74

THIS PAGE UNCLASSIFIED

69

Human Reliability Program (HRP), certifications/disqualifications of ANG personnel in the same manner as for active AF personnel. This proposal, plus the subject of ADC Sup 1/AFM 35-99 not being applicable to the ANG, was sent to ADC/DPACA from the ADC Chief of Safety by letter dated 16 May 73. DPACA letter, also dated 16 May 73, responded by stating "this office will not entertain the position of handling HRP disqualifications pertaining to Air National Guard personnel." This position by ADC/DPACA reflected only DPA coordination which, again, did not reflect adequate evaluation of the subject of HRP with other staff agencies - ADC/LNG in particular, but not exclusively.

h. (U) The Assistant Adjutant General for Air in the State of Washington has recently ordered numerous changes in the command structure at the Spokane ANG organizations. The changes are entirely legal and within the scope of his authority and responsibility for control and management of State militia granted by the Constitution. However, these actions resulted in removal from the chain of command of all persons who had been directly involved in the temporary decertification of Captains Merriman and Edgar, except the 141 FIG/Commander. The 116 FIS/Commander, the 142 FIW/Commander, and the Base Detachment Commander (BDC) positions were involved in the recent personnel changes. It was also established that the 141 FIG/Commander needed a waiver to permit him to remain in technician status one month beyond the criteria for his termination as a technician. A recommendation for approval from the State Adjutant General was important in the HGB decision to approve/disapprove his waiver request. Should the waiver request be denied, the 141 FIG/Commander would lose his civil service retirement and only the share he contributed to the retirement fund would be returned. During Col Howard's (141 FIG/CC) testimony, he voluntarily acknowledged this to be "in fact, quite a lever and it's strictly up to the discretion of the Adjutant General." He also submitted verbally that although it was never directly stated to him that his retirement might be in jeopardy if he did not support the request for recertification, the thought was always in the back of his mind. It was also established in the course of the inquiry and testimony that Brig Gen King selected Lt Col Robert K. Collins from his State staff, to be the replacement 116th FIS Commander. This decision was made contrary to the recommendations of a board of senior officers (all colonels). Although the prerogative to do this was rightfully his, Lt Col Collins was the junior rated Lt Col in the State. He had never been a flight commander or squadron operations officer, and other well qualified and more experienced rated officers were recommended. During Lt Col Collins' testimony, his inexperience was apparent. His tendency to follow the suggestions of others, whether he agreed or not, resulted in numerous contradictory actions. These ranged from an initial decision to extend the captains' temporary decertification to the full six months as authorized in AFM 35-99; to requesting their resignations; to initiating permanent disqualification action against one (Capt Edgar); and finally, after Gen King's involvement, to initiating a request for reinstatement under HRP.

THIS PAGE UNCLASSIFIED

71

1. (U) Capt Herriman and Capt Edgar have been advertising their intent to bring a \$50,000 law suit against the principal parties involved in their decertification. The Air Force Advisor, Lt Col Main, Lt Col Christoffersen, Lt Col Mainright and Lt Col Carmack were some of the persons to be sued. This information is included at this point to add supporting evidence of their unwillingness to accept decisions from authorities appointed over them.

m. (U) While under temporary decertification, Capt Edgar was required to have an annual flying physical. Dr. (Col) Gottschall testified that during the February unit training assembly, Capt Edgar attempted to influence several people to sign off the check sheet indicating completion of several tests/items required. No one would do as he wanted, and the physical was completed. However, the next day when the physical was being reviewed, there were no urinalysis test results recorded. The initials on the check sheet indicated completion of this requirement, but the lab technician denied that the initials were in his handwriting. The doctor confronted Capt Edgar with the situation, and Capt Edgar denied he had entered the initials. The doctor felt that, short of a trial, he could not prove it so he let the matter drop. Capt Edgar was required to obtain the urinalysis at Fairchild when he received his psychiatric evaluation. This is one more incident which casts doubt on his maturity, integrity and reliability.

n. (U) Within the ANG, dependents' medical records are not normally available. No exception or guidance for ANG situations is mentioned in AFM 35-99.

5. (U) Conclusions

76

72

OV

Signed

GAGE M. MERSEREAU, Colonel, USAF
Inquiry Officer

- 2 Atch
1. Ltr Appointing Investigating Officer, 25 Mar 74
2. Ltr Given to Col L. E. Millsap

77

Spokane IAP, WA 99219

190

Personnel Investigations Control Center
Defense Investigative Service
P. O. Box 454
Baltimore, Maryland 21204

RETURN
RESULTS
TO:
Include
ZIP
Code

HQ ADC (IG-S)
ENT AFB, CO 80912

PERSONNEL INVESTIGATION (PI)
SPECIAL BACKGROUND INVESTIGATION (SBI)
☒ BI BRING-UP
☐ SBI BRING-UP
☐ OTHER (Specify in Remarks)

6. REASON FOR INVESTIGATION:

- ☐ ACCESS TO MATERIAL CLASSIFIED
(Confidential) (Secret) (Top Secret)
☐ NUCLEAR WEAPON POSITION
☐ IMMIGRANT ALIEN CLEARANCE
REQUIREMENT
☐ SENSITIVE COMPARTMENTED INFORMATION
☐ SIOP-ESI
☐ PRESIDENTIAL SUPPORT
☒ OTHER (Continue in Remarks)

DO NOT COMPLETE - BLOCKS CIRCUMSCRIBED BY HEAVY BLACK LINE ARE FOR DIS INTERNAL USE ONLY

US (Case, Control Number) (1-15)

74211 0052

(16-22)

24	NAME (Last-First-Middle) (Last Name only in Capitals)
24	OTHER NAMES USED OR KNOWN BY (Continue in Remarks)
7	DATE OF BIRTH (Y-M-D)
11	SSN
12	FORMER SERVICE NO.
13	SEX
14	PLACE OF BIRTH (City, State)
15	SERVICE
16	RANK/RATE/GRADE

PB (72-73) PC (74-75) SV (76) CR (77-78)

R A I N

LOCAL FILES:

- ☒ PERSONNEL, ☒ BASE/MILITARY POLICE, ☒ MEDICAL, ☒ SECURITY,
REVIEWED ON 3 Jul 74 AND REVEALED:
☐ NO UNFAVORABLE INFORMATION
☐ UNFAVORABLE INFORMATION SUMMARIZED IN "REMARKS" BELOW

I. HISTORY OF GOVERNMENT EMPLOYMENT, CURRENT MILITARY SERVICE.

INDICATED ON ATTACHED PERSONAL HISTORY FORM IS ☒ CORRECT
☐ PARTIALLY CORRECT ☐ COULD NOT BE VERIFIED. (If other than correct is checked, explain in remarks.)

J. PRIOR INVESTIGATION: ☒ YES ☐ NO ☐ UNKNOWN
(If Yes, reflect type, when made, by whom, and file No.)

B.II 15 Feb 66 OSI Dist #10 San Antonio, TX

K. REMARKS: (Use Continuation Sheets as Required)

PARA 8e(5), AFR 205-32.

DESIRE ADVANCE NOTIFICATION OF NAC RESULTS:

☐ YES ☐ NO

ENCLOSURE(S)

D 398
38
L 1584

DAVID J. GRIFFITH, GS-12
Chief, Administrative Security

INVESTIGATING STAMP

☒ BI ☐ SBI ☐ BI-BU ☐ SBI-BU ☐ LI

Attached documents forwarded for security determination.

FRANK G. PAGANO, JR.
LT COL USAF
Director
PICC

FORM 1079
1 MAY 73

REF: ON AF FORM 1079, WHICH IS OBSOLETE

78

IGG

Summary of Derogatory/Unfavorable Information (Morrison,
[REDACTED], WA ANG)

Chief, National Guard Bureau.

1. The following summary of derogatory/unfavorable information contained in DIS HQ 74211-0052, 11 Oct 1974, is forwarded for your review and necessary action as prescribed in HQ USAF/IG 100-1, 12 Dec 1972.

2. Summary:

a. Subject entered the Washington Air National Guard in January 1968. A DD Form 398, signed by subject on 3 July 1974, is included as attachment 1. It should be noted that subject answered "NO" in item 18; however, the investigation disclosed he received an Article 15 resulting in a \$25.00 fine and seven days extra duty just prior to his release from active duty in October 1965, at Randolph AFB, Texas.

b. Subject's police record reflects the following arrest data:

(1) Arrested 29 Nov 71, Spokane County for speeding and forfeited a \$25.00 bond.

(2) Arrested 17 Jun 72, Spokane County for speeding and forfeited a \$34.00 bond.

(3) Arrested 8 Oct 72, Spokane County for speeding and forfeited a \$23.00 bond.

(4) Arrested 29 Dec 72, Spokane County for speeding and forfeited a \$42.00 bond.

(5) Arrested 21 Feb 73, Spokane County for improper passing and no valid vehicle license and forfeited a \$25.00 bond.

(6) Arrested 23 Oct 73 Spokane County for speeding and forfeited a \$24.00 bond.

(7) Arrested 14 Nov 73 Spokane County for speeding and forfeited a \$25.00 bond.

NAME OF WRITER AND TYPIST'S INITIALS R. Spillane/ms		TEL EXT 3752	NAME OF REWRITER AND TYPIST'S INITIALS [REDACTED]	CONTROL NUMBER
DATE NOV 66		132	79	

ADC FORM NOV 66 132

192

On 16 September 1974, Source A, whose reliability is unknown, but who has been acquainted with subject since February 1963 and has had contact two or three times weekly until November 1973, advised that source and subject have had sexual relations with each other from November 1963 to November 1973 at the rate of two or three times a week. On one occasion, subject stayed with source for a three month period and told source that he was seeking a divorce. The divorce never took place and subject returned to his wife and home. Subject would meet with source on the days he was to fly alert with the WA ANG. He would leave home early and go to source's home, where all the sexual intercourse took place. Source knew of other women in the Spokane, Wash, area with whom he had sexual relations. Subject also used marijuana in source's home from 1972 to 1973. He did this on many occasions and source did not like the use of drugs in her home and stopped their relationship because of it. Subject also told source that on occasions he had sold "dope" to others, unknown to source. Source did not know if the "dope" was marijuana or some other drug. Subject also claimed he had grown marijuana in a field near Tyler, Wash, in the summers of 1972 and 1973. Subject took source to the area and showed the place where he grew the marijuana, but source could not see any because of a fence around the field. Subject also had financial problems in that he had run up some bills in Spokane, Wash, area and delayed paying the bills. Some of the firms had contacted him on numerous occasions to try and receive payments. Source believed that subject lacked emotional stability and maturity because he was intelligent and had great potential, but would not apply himself. This was indicated by the lack of permanent employment, lack of financial responsibility, and his infidelity by having sexual relations with many different women while still married and living at home. Source would not recommend subject for a position of trust because of his use of drugs, infidelity, and lack of maturity. Source declined to make a written statement concerning subject, objected to having her name appear in the report of investigation or being released to anyone. Source declined to appear before a court, board, or hearing. Source feels that her employment would be placed in jeopardy and she feared for her safety because subject had approached her and warned her that in the event she were interviewed concerning him, she was to disclaim any knowledge of him.

3. The purpose for which this summary is to be used is to determine subject's suitability for recertification under AFM 35-99, Human Reliability Program.


FOR THE COMMANDER

FREDERICK P. GEIER, Colonel, USAF
Director of Security Police

1 Atch
DD Form 398

80

193



Mr. Spillane

81

Attach. #5

73

THE HUMAN RELIABILITY INCIDENT OF 1974

I was a member of the Washington Air National Guard, holding the military rank of Lt. Col. and Federal Civil Service grade of GS-13. I was a command pilot and squadron operations officer of the 116 Fighter Interceptor Squadron at Spokane International Airport. Our aircraft was the McDonald F101B Fighter. We were equipped with standard weaponry for the F101 including rockets with nuclear warheads.

My duties as a Federal Civil Service employee included constantly monitoring all squadron officers who had access to our nuclear weapons and to suspend anyone from access to the weapons who did not meet the strict requirements of what was known as the Human Reliability Regulation. In January of 1974 I took action to suspend two captains who were suspected, by me, of drug abuse and were constantly rebellious towards regulation and authority. In violation of most important regulations dealing with nuclear weapons, several attempts were made by Washington State headquarters to place the officers back on normal duty, including a false statement by Lt. Col. Bob Collins, who was sent to replace the squadron commander and straighten out the incident.

2 On February 6, 1974, Lt. Col. Collins took command of the squadron and attempted to take my place as monitor of nuclear access. He was unsuccessful since nuclear control had to remain under federal jurisdiction.

82

74

On Friday, March 22, 1974, in violation of regulations, state headquarters without legal authority issued orders to reinstate the two officers. On Saturday, March 23, 1974, the Air Defense Command Inspector General Office and General Lucius D. Clay commander NORAD were notified of the violation. On Sunday, March 24, 1974, our weapons at Spokane were locked up. On Monday, March 25, 1974, an Inspector General investigator arrived to take testimony under oath of the reported violation. On Friday, March 29, 1974, the week long investigation was complete. The report was sent to General Clay. The violation was found to be so serious that within 30 days all special weapons were removed from all National Guard units in the United States. This resulted in the loss of approximately 600 weapons technician jobs, great embarrassment to the National Guard, a loss in air defense capability and millions of dollars of expense to the taxpayer. FBI reports were made available to the Air Guard confirming that the two captains were unfit for duty.

Eventually both captains were permanently disqualified from nuclear duty, removed from flying status and discharged from the Air National Guard. The conclusion of the Air Defense Command investigation was clearly that a state political appointee (The Washington State Assistant Adjutant General for Air) had placed himself and his staff in a position to control access to nuclear weapons thus breaching the protective devices and precautions established to prevent intentional or inadvertent detonation of a nuclear device. Furthermore, the ADC

75

investigation stated that I had placed my job in jeopardy by exposing state headquarters and I should be protected. A letter to that effect was sent to the National Guard Bureau. Within a few months one of the suspended captains was dismissed from the Washington Air Guard, but the other remained until 1976, despite attempts by the unit to discharge him.

In 1976 our unit was transferred to Strategic Air Command and equipped with the KC135. I checked out in that aircraft and after flying 200 hours became an instructor and flight evaluator.

In 1977 the National Guard Bureau published a regulation known as ANGR 36-06. This regulation violates congressional statutes requiring regulations to treat all branches of the military uniformly. ANGR 36-06 allows a political appointee to retire not only Air National Guard Officers but Federal Civil Service employees contravening recommendations of a duly appointed board of officers. No other military organization, including Army Guard, USAF, USN, Army or Federal Civil Service agency grants a single person the power to terminate an individual without justification or recourse.

Thus, any officer in the Air National Guard with enough service and experience to qualify for management positions is in jeopardy of losing his Federal Civil Service job at the unqualified discretion of a politically appointed commander who is not subject to federal jurisdiction. The intimidation established by ANGR 36-06 to place federal regulations and assets in jeopardy is very real and enormous. In 1977 Bob

84

76

Collins was promoted to full Colonel by the National Guard Bureau in spite of his actions in 1974, placing nuclear weapons in jeopardy. In June of 1978 Bob Collins was appointed by a new Governor of the State, to be Adjutant General and promoted to Brig. General. Approximately 30 days later I was fired from the Air Guard and Federal Civil Service by Collins, by the use of ANGR 36-06, to be effective September 30, 1978. My military and Federal Civil Service records were exemplary. Collins rose from the rank of major to Brig. General in approximately six years.

Governor Ray was chairman of the Atomic Energy Commission in 1974, at the time her newly appointed head of the Washington National Guard was violating the most serious nuclear regulations. Collins has admitted in deposition that he did not take into consideration any of the criteria dictated by ANGR 36-06 (namely military evaluation reports, civil service evaluation reports, and whether or not I had qualified for Civil Service annuity). In August 1978 I was at Headquarters Air Defense Command, Colorado Springs, Colorado, when I had an opportunity to speak with Brig. General ^{Givice} ~~Gise~~, Chief of the Air National Guard. He was given the classified report stating I had placed my job in jeopardy to protect our nuclear weapons. I explained the foregoing facts to him. His response was "that is terrible, but not as bad as some. You realize that you don't have any recourse." September 30, 1978 I was terminated from my chosen profession at 48 years of age with 17½ years credited toward a Federal Civil Service annuity but

85

77

unable to qualify for the 20 year minimum, for a reduced but immediate annuity. This has been a devastating blow to me personally, but also enormously devastating to the thousands of Air Guard officers who have been placed in double jeopardy with their livelihood and chosen professions at stake. Thus you can see that more than one Air Guard officer may be unwilling to support federal regulations when the state staff orders to the contrary.

I was highly trained, dedicated, and a professional officer. I was terminated because I chose to place my job in jeopardy to protect nuclear weapons. It should not be allowed to happen again nor the threat of ANGR 36-06 to remain. The requirements in the State of Washington to be eligible to be appointed as Adjutant General are the following:

1. Must have the rank of major or above.
2. Must have served five consecutive years in the Washington Guard in the past ten years.

I have been told that one additional qualification that Collins had was his \$1500 contribution to the governor's election campaign. I could not confirm that, however, by a check on public disclosure records.

The significance of the above qualification criteria is that people with minimum or questionable qualifications and experience are placed in command positions with absolute and unfettered authority. These politically appointed commanders are in charge of hundreds of millions of dollars of federal assets and personnel without having to come under federal

86

authority or scrutiny. I am persuaded that Collins was instrumental in the Washington Air National Guard enlistment of a technical Sgt (E6) in January 1980. He just happened to be the same individual who was discharged in 1976 as one of two captains involved in the Human Reliability Incident. Ironically in January of 1985, less than nine months from now, that former captain can very easily be given a spot promotion to major and be eligible to be appointed as an adjutant general in the State of Washington.

It surely must be time for the sham, now known as the Air National Guard, to be reorganized into a military organization with a command structure worthy of the trust of the people of this nation. I contacted 22 different agencies or individuals in an attempt to settle this issue out of court.

We have been in litigation since 1980 with the defense making motions, exceeding suspense dates, changing attorneys, stricken trial dates, etc., without resolution.

The following is a summary of facts about the Human Reliability Incident:

1. I took appropriate action to protect nuclear warheads as stated in the report to General Clay.
2. The staff at Headquarters Washington National Guard significantly resisted and violated federal regulations and my actions to protect nuclear weapons.
3. An interview with officers of the Air National Guard at Spokane, who were present during the incident, will confirm the vindictive action of Collins against me provided the name of officers will remain anonymous.

4. During the course of the incident I was advised by a senior master sgt. that he had personally told the Assistant Adjutant for Air, 18 months earlier, that one of the two suspended captains was involved in intrastate drug trafficking. This statement was repeated again in the presence of my squadron Commander and myself.
5. I was aware of my job being in jeopardy and was willing to make the sacrifice, if necessary.
6. In violation of Human Reliability regulations, I was ordered by state headquarters to be subject to two separate investigations for harassment of two captains.
7. In violation of regulations, state headquarters supplied both direct and indirect coercion in an attempt to reinstate the two officers.
8. A written statement by Bob Collins said that he had consulted with me and I agreed the two officers were reformed and fit for duty. When, in fact, he did not consult with me and I did not state the two individuals were fit for duty.
9. A full colonel, who was also my Civil Service supervisor, admitted--under oath--that the reason he acquiesced to state headquarters and signed a letter (prepared for him by state headquarters) to return the two suspended captains to nuclear duty was that he feared he could be retired by state headquarters two months before qualifying for a Civil Service Annuity.
10. A review of my exemplary military and Federal Civil Service records, plus an affidavit from a former squadron commander, will confirm the vindictive act by Collins to get rid of me, because of my action in the Human Reliability Incident.
11. During the course of the Human Reliability Incident, both suspended captains skirted the chain of command without permission and called directly to the Assistant Adjutant General for the Air (Brig General King). On two occasions General King flew to Spokane, from headquarters in Olympia, Washington, to meet with the two suspended captains. The immediate outcome of one of the meetings was my being ordered to place both officers back on duty. No one from state headquarters ever questioned me about any aspects of the incident.

A 12. Action was taken, by me and two other officers, to prevent return of the suspended captains to nuclear duty. 86

B 13. Because of the Human Reliability Incident, I was told the following: (1) To back down and reinstate the two captains, (2) If I didn't reinstate them, I would never be promoted, (3) Collins made statements, verified by affidavits, that he would get rid of me.

14. Commanders (State Adjutant Generals and Assistant Adjutant Generals) are appointed for reason of political favoritism and have absolute and unfettered control of 44% of DOD assets. This is an unbelievable situation considering the past track record of state military departments.

C Once every four years in the State of Washington, and in many other states, a new commander and manager of DOD assets is appointed by a state politician. The annual federal funds, managed by this individual, are approximately \$100 million. The management of this money is done by a state agency that cannot be inspected by the federal government and is not subject to federal jurisdiction. This politically appointed individual is able to terminate employment of any Federal Civil Service employee who comes under consideration by ANGR 36-06 (20 years military service). Consequently, all of the key management personnel are placed in double jeopardy. The inevitable question is how long and why must we continue this sham.

D 15. Bob Collins was eventually promoted to Major General and was a full time co-pilot for United Airlines the entire time he was Adjutant General for the State of Washington. This man was managing the money, assets, and personnel of DOD total force in the Washington Air National Guard.

81

NOTE: After the HRP incident was settled, LTC Christoffersen and I focused on preparation for the upcoming ADC ORI. We made preparations to fly to the Air Guard unit at Fargo N.D. to observe their ADC ORI. LTC Collins our new squadron commander ordered us not to travel to Fargo. Colonel Lloyd Howard the 141st FIG C.O. and our technician supervisor intervened and advised Collins we were making the trip to Fargo in technician status and he had no authority to order us not to go. The Fargo trip and our preparations for the ADC ORI in the summer of 1974 resulted in the first outstanding rating in the history of the squadron.

THE IRONIC OUTCOME OF OUR EFFORTS TO ACHIEVE AND OUTSTANDING RATING IS AS FOLLOWS:

After one year as squadron commander LTC Collins was transferred back to state HQ. in an obvious preparation for promotion to Colonel. (Collins was the most junior LTC in the unit. promoted from ~~LTC~~ in 73 to MG in 1978). Gen. John Pesch the Chief of the Air Guard during the HRP incident blocked Collins' promotion for next year until he retired. Gen ~~Gisa~~ ^{Ginca} the next Chief of the Air Guard allowed Collins' promotion to Colonel and eventually to MG. (In August of 1978 I met with Gen ~~Gisa~~ ^{Ginca} in person at ADC HQ. requesting he intervene in our behalf and block MG Collins' actions firing us. His response was "thats terrible but not as bad as some, you realize you have no recourse".). Ironically, due to our efforts and contrary to Collins' intentions as squadron C.O. the outstanding ORI with Collins' as squadron C.O. was part of his qualification for promotion.

90

Memo
Exh 4

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 05 2002

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALFRED P. CHRISTOFFERSEN, et al.)

Plaintiffs,)

3 vs.)

WASHINGTON AIR NATIONAL
GUARD, et al.)

Defendants.)

Case No. CS-01-0010-AAM

**SETTLEMENT AGREEMENT &
MUTUAL RELEASE**

4 For the sole purpose of resolving this litigation¹ without any further judicial

5 proceedings resulting from the Declaratory Judgment issued by the United States

6 District Court for the Eastern District of Washington, and without admitting any fact

7 ¹ Together with Spokane County Superior Court Cause No. 81-2-03081-0, and State of Washington Court of Appeals Cause No. 18419-6-III (hereinafter referred to as Spokane County action).

Memo

Exh 5

1 set forth below (which are stated for the sole purpose of settling all matters), and for no
2 other reasons, the parties, by and through their respective attorneys, hereby agree as
3 follows:

4 1. The parties to this agreement are:

5 (a) Alfred P. Christoffersen, Richard F. Main, William J. Gibson, and
6 John R. Warn, referred to collectively as the plaintiffs; and

7 (b) The United States of America, acting through the Department of
8 the Air Force (the named defendants in this matter are the
9 Washington Air National Guard, Major General Timothy J.
10 Lowenberg (Adjutant General of Washington State), the United
11 States Air Force, and the National Guard Bureau).

12 2. This agreement is executed for the purpose of resolving all claims and
13 disputes by and between the parties to this Agreement relating to and/or arising out of
14 the Plaintiffs' termination from their positions as National Guard technicians in the
15 Washington Air National Guard; including, but not limited to, all claims that were
16 raised or could have been raised in their complaints filed originally in the United States
17 Court of Claims, the United States Court of Federal Claims, the Spokane County
18 Action and the United States District Court for the Eastern District of Washington.

19
Settlement Agreement &
Mutual Release

Page 2

94

1 8. (Upon fulfillment of the terms of this Settlement Agreement,) the United
2 States Government on behalf of and through its agencies, agree to release, waive and
3 abandon any and all claims, known or unknown which it may have against any
4 Plaintiff arising out of claims made or capable of being made in the prior litigation
5 between the parties.

6 9. The signature of an authorized representative of the Attorney General
7 shall reflect approval and acceptance of this Settlement Agreement by the United
8 States. (Upon execution of this Settlement Agreement by all parties or their counsel, all²
9 the parties shall also execute and file Joint Stipulation of Dismissal of this action with
10 prejudice and with each party to bear its own costs, attorney fees and expenses², which
11 is attached to this Settlement Agreement. (By Plaintiffs' counsel's execution of this
12 Settlement Agreement, (Plaintiffs expressly consent to the filing of the Joint
13 Stipulations and to the dismissal of these actions with prejudice.

14 10. The Plaintiffs acknowledge and agree that, regardless of the modifications
15 made to their military and civilian personnel record and, notwithstanding any actions
16 taken by the United States or the named Defendants in connection with this agreement,

² The plaintiffs and a state representative will also execute a similar stipulation of dismissal for the Spokane County action.

Memo
Exh 6

A082
(Rev. 11/96)

ORIGINAL

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WASHINGTON
at SPOKANE, WA

056357

1623

RECEIVED FROM

Richard Main
W. 26003 Prewett Rd
Reardan WA 99029

Fund
6855XX Deposit Funds
604700 Registry Funds
General and Special Funds
085000 Attorney Admission Fees
086900 Filing Fees (1/2 Civil)
322340 Sale of Publications
322350 Copy Fees
322360 Miscellaneous Fees
504100 Fine/Forfeitures
613300 Unclaimed Monies
510000 Civil Filing Fee (1/2)
510100 Registry Admin. Fee
092330 CJA Reimbursement
5100PL Prisoner Filing Fee (1/2)
0869PL Prisoner Filing Fee (1/2)

ACCOUNT	AMOUNT
322350	31.50
TOTAL	\$ 31.50
Case Number or Other Reference	
CS-0-10	

Copy Fees

Checks and drafts are accepted subject to
presentation and full credit will be given when
a check or draft has been accepted by the
financial institution on which it was drawn.

DATE	12/11/2003	Cash	Check	M.O.	Credit	DEPUTY CLERK:
			X			R. J. Jansen

A082
(Rev. 11/96)

ORIGINAL

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WASHINGTON
at SPOKANE, WA

056316

1624

RECEIVED FROM

Richard Main
W 210203 Prewett Rd
Reardon, WA 99029

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
085000	Attorney Admission Fees
086900	Filing Fees (1/2 Civil)
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
504100	Fine/Forfeitures
613300	Unclaimed Monies
510000	Civil Filing Fee (1/2)
510100	Registry Admin. Fee
092330	CJA Reimbursement
5100PL	Prisoner Filing Fee (1/2)
0869PL	Prisoner Filing Fee (1/2)

ACCOUNT	AMOUNT
322350	316.50
TOTAL	
316.50	
Case Number or Other Reference	
CS-01-10	

COPIES

Checks and drafts are accepted subject to collection and full credit will be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE	Cash	Check	M.O.	Credit
20 Nov 2005				

DEPUTY CLERK:

SEARCH

SUGGESTIONS

USER PREF'S

COURTWATCH

HELP

RACER U.S. District Court Case Search




HOME →

Docket Sheet for 2:01-CS-10 USDC Spokane - Click here for Caption Page

Proceedings include all events

Date Filed	Doc. No.	Image	Description
08/30/2002	66	<u>Yes: 2 Page(s); 38 KB; TIFF</u>	Substitution of counsel: Evelyn Fielding Lopez replacing attorney Jonathan H. McCoy for Washington Air [Date Entered: 09/03/02, By: pp]
08/05/2002	65 ✓	<u>Yes: 12 Page(s); 394 KB; TIFF</u>	Release and Settlement by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air, plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen [Date Entered: 08/06/02, By: bs]
07/31/2002	64 ✓	<u>Yes: 10 Page(s); 271 KB; TIFF</u>	Response by plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen to motion for reconsideration [55-1] [Date Entered: 08/01/02, By: bs]
07/23/2002	63	<u>Yes: 2 Page(s); 35 KB; TIFF</u>	ORDER by Judge Alan A. McDonald setting motion for reconsideration [55-1] with oral arg 10:00 8/15/02 Yakima, WA (cc: all counsel) [Date Entered: 07/23/02, By: bs]
05/21/2002	62 ✓	<u>Yes: 1 Page(s); 30 KB; TIFF</u>	ORDER Staying Ct. Rec. 55 until 7/17/02 by Judge Alan A. McDonald (cc: all counsel) [Date Entered: 05/21/02, By: pp]
05/17/2002	61 ✓	<u>Yes: 2 Page(s); 41 KB; TIFF</u>	Request by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air, plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen for Additional Time to Comply with Court's Order [Date Entered: 05/20/02, By: pp]
04/29/2002	60 ✓	<u>Yes: 1 Page(s); 30 KB; TIFF</u>	ORDER staying Ct. rec 55 until 5/17/02 by Judge Alan A. McDonald (cc: all counsel) [Date Entered: 04/29/02, By: pp]
04/26/2002	59 ✓	<u>Yes: 3 Page(s); 62 KB; TIFF</u>	Stipulation by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air, plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen to Comply with Courts Order [Date Entered: 04/29/02, By: pp]
4/28/2002	58	<u>Yes: 2 Page(s); 42 KB; TIFF</u>	Proof of service by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air of: documents 55-57 [Date Entered: 03/29/02, By: bs]

1626

/28/2002	57 ✓	<u>Yes: 1 Page(s); 25 KB; TIFF</u>	PROPOSED RECEIVED Order re: motion for reconsideration [55-1] submitted by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air [Date Entered: 03/29/02, By: bs] 
03/28/2002	56	<u>Yes: 1 Page(s); 26 KB; TIFF</u>	Notice by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air of hearing setting motion for reconsideration [55-1] (w/o oral argument 4/9/02) [Date Entered: 03/29/02, By: bs]
03/28/2002	55 ✗	<u>Yes: 8 Page(s); 252 KB; TIFF</u>	MOTION by defendant National Guard, defendant United States Air, defendant Timothy J Lowenberg, defendant Washington Air for reconsideration [Date Entered: 03/29/02, By: bs] 
03/18/2002	54	<u>Yes: 3 Page(s); 54 KB; TIFF</u>	ORDER by Judge Alan A. McDonald granting motion for further relief [49-1] (cc: all counsel) [Date Entered: 03/18/02, By: bs]
03/01/2002	53 ✓	<u>Yes: 3 Page(s); 54 KB; TIFF</u>	Notice by plaintiff John R Warn, plaintiff Richard F Main, f Filing 9th Circuit Order of Dismissal plaintiff William J Gibson, plaintiff Alfred P Christoffersen [Date Entered: 03/04/02, By: pp]
03/01/2002	52 ✓	<u>Yes: 1 Page(s); 17 KB; TIFF</u>	Mandate from 9CCA. 9CCA: 01-35767 voluntarily dismissing the appeal [43-1] (cc: all counsel) [Date Entered: 03/01/02, By: bs] 
2/13/2002	51	<u>Yes: 2 Page(s); 43 KB; TIFF</u>	Notice by plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen of hearing setting motion for further relief [49-1] (w/o oral argument 3/14/02) [Date Entered: 02/14/02, By: pp]
02/13/2002	50	<u>Yes: 12 Page(s); 313 KB; TIFF</u>	Memorandum by plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen in support of motion for further relief [49-1] [Date Entered: 02/14/02, By: pp]
02/13/2002	49	<u>Yes: 3 Page(s); 60 KB; TIFF</u>	MOTION by plaintiff John R Warn, plaintiff Richard F Main, plaintiff William J Gibson, plaintiff Alfred P Christoffersen for further relief [Date Entered: 02/14/02, By: pp]
09/10/2001	48	<u>Yes: 1 Page(s); 43 KB; TIFF</u>	Copy 9CCA certificate of record - Original forwarded to 9CCA 9CCA: 01-35767 [Date Entered: 09/10/01, By: bs]
09/10/2001	47	No	REPORTER'S TRANSCRIPT FILED. CR: Sue Haney Judge Alan A. McDonald City: Yakima Date: 6/19/01 Type of Proceeding: Motion hearing [Date Entered: 09/10/01, By: bs]
08/24/2001	46	<u>Yes: 1 Page(s); 38 KB; TIFF</u>	TRANSCRIPT DESIGNATION AND ORDER. Date appl filed: 8-3-01 CR: Sue Haney Type of Proceeding: 6/19/01 Oral argument by Washington Air, Timothy J Lowenberg, United States Air, National Guard cc:9CCA [Date Entered: 08/24/01, By: bs]
8/17/2001	45	<u>Yes: 2 Page(s); 44 KB; TIFF</u>	COPY of 9CCA Time Schedule Order. 9CCA: 01-35767 [Date Entered: 08/20/01, By: bs]
			Notification by Circuit Court of Appellate Docket Number [43-1]

160

08/17/2001	44	<u>Yes: 1 Page(s); 20 KB; TIFF</u>	9CCA Number: 01-35767 Date appeal filed: 8/3/01 [Date Entered: 08/20/01, By: bs]
08/03/2001	43	<u>Yes: 2 Page(s); 45 KB; TIFF</u>	Notice of appeal by defendant United States Air, defendant National Guard from Dist. Court decision [42-1], [41-2] (cc: all counsel and 9CCA) [Date Entered: 08/06/01, By: bs]
06/28/2001	42	<u>Yes: 1 Page(s); 15 KB; TIFF</u>	JUDGMENT: (cc: all counsel) COB: Y33-64 [Date Entered: 06/28/01, By: bs]
06/28/2001	41	<u>Yes: 42 Page(s); 1213 KB; TIFF</u>	ORDER by Judge Alan A. McDonald granting motion to strike oral arg Yakima, WA [34-1] denying motion for summary judgment oral arg Yakima, WA [28-1] granting motion for summary judgment oral arg Yakima, WA [10-1], denying motion to dismiss [redacted] COB: Y33-64 (cc: all counsel) [Date Entered: 06/28/01, By: bs]
06/19/2001	39	<u>Yes: 1 Page(s); 27 KB; TIFF</u>	MINUTES: Argument on Motion for Summary Judgment heard; Order forthcoming before Judge Alan A. McDonald Hrg Location: Yakima; Sue Haney court reporter [Date Entered: 06/19/01, By: pp]
06/18/2001	40	<u>Yes: 8 Page(s); 288 KB; TIFF</u>	Declaration of Matthew Andersen by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn [Date Entered: 06/20/01, By: pp]
6/11/2001	38	<u>Yes: 15 Page(s); 446 KB; TIFF</u>	Reply Memorandum by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn to Memorandum in Opposition to motion for summary judgment oral arg Yakima, WA [10-1] [Date Entered: 06/12/01, By: bs]
06/11/2001	37	<u>Yes: 8 Page(s); 217 KB; TIFF</u>	Objections by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn to statement [29-1] [Date Entered: 06/12/01, By: bs]
06/08/2001	36	<u>Yes: 2 Page(s); 23 KB; TIFF</u>	ORDER by Judge Alan A. McDonald granting motion to extend time [32-1] (cc: all counsel) [Date Entered: 06/08/01, By: pp]
06/07/2001	35	<u>Yes: 2 Page(s); 47 KB; TIFF</u>	Notice by plaintiff Alfred P Christoffersen of hearing setting motion to strike oral arg Yakima, WA [34-1] ;oral argument 10:30 6/19/01 Yakima, WA [Date Entered: 06/08/01, By: pp]
06/07/2001	34	<u>Yes: 8 Page(s); 205 KB; TIFF</u>	MOTION and Memorandum in Support of by plaintiff Alfred P Christoffersen to strike oral arg Yakima, WA [Date Entered: 06/08/01, By: pp]
06/07/2001	33	<u>Yes: 2 Page(s); 46 KB; TIFF</u>	Notice by plaintiff Alfred P Christoffersen of hearing setting motion to extend time [32-1] (w/o oral argument 6/11/01) [Date Entered: 06/08/01, By: pp]
06/07/2001	32	<u>Yes: 2 Page(s); 52 KB; TIFF</u>	MOTION by plaintiff Alfred P Christoffersen to extend time [Date Entered: 06/08/01, By: pp]
05/31/2001	31	<u>Yes: 2 Page(s); 40 KB; TIFF</u>	Proof of service by defendant United States Air, defendant National Guard of: M/S/J documents [Date Entered: 06/01/01, By: pp]

5/31/2001	30	<u>Yes: 1 Page(s); 21 KB; TIFF</u>	Notice by defendant United States Air, defendant National Guard of hearing setting motion for summary judgment oral arg Yakima, WA [28-1] ;oral argument 10:30 6/14/01 Yakima, WA [Date Entered: 06/01/01, By: pp]
05/31/2001	29	<u>Yes: 4 Page(s); 94 KB; TIFF</u>	Statement of facts by defendant United States Air, defendant National Guard in support of memorandum [28-1], in support of motion for summary judgment oral arg Yakima, WA [28-1] [Date Entered: 06/01/01, By: pp]
05/31/2001	28	No	Memorandum by defendant United States Air, defendant National Guard in support of motion for summary judgment oral arg Yakima, WA [28-1] [Date Entered: 06/01/01, By: pp]
05/31/2001	28	<u>Yes: 12 Page(s); 469 KB; TIFF</u>	MOTION by defendant United States Air, defendant National Guard for summary judgment oral arg Yakima, WA [Date Entered: 06/01/01, By: pp]
05/31/2001	27	<u>Yes: 17 Page(s); 603 KB; TIFF</u>	Response by defendant United States Air, defendant National Guard to statement [12-1] [Date Entered: 06/01/01, By: pp]
05/31/2001	26	<u>Yes: 6 Page(s); 197 KB; TIFF</u>	Response by defendant United States Air, defendant National Guard to motion for summary judgment oral arg Yakima, WA [10-1] [Date Entered: 06/01/01, By: pp]
5/31/2001	25	<u>Yes: 3 Page(s); 57 KB; TIFF</u>	ORDER RE AMICUS by Judge Alan A. McDonald (cc: all counsel) [Date Entered: 05/31/01, By: bs]
05/17/2001	24	<u>Yes: 9 Page(s); 296 KB; TIFF</u>	Memorandum by defendant United States Air in opposition to State of Washington's Motion to Apear as Amicus Curiae [Date Entered: 05/21/01, By: pp]
05/17/2001	23	<u>Yes: 1 Page(s); 25 KB; TIFF</u>	ORDER by Judge Alan A. McDonald granting motion to extend time [20-1] (cc: all counsel) [Date Entered: 05/17/01, By: bs]
05/17/2001	22	<u>Yes: 2 Page(s); 38 KB; TIFF</u>	ORDER by Judge Alan A. McDonald granting motion for appearance by the State of Washington to appear as Amicus Curiae [15-1] (cc: all counsel) [Date Entered: 05/17/01, By: bs]
05/15/2001	21	<u>Yes: 1 Page(s); 24 KB; TIFF</u>	PROPOSED RECEIVED Order re: motion to extend time [20-1] submitted by defendant United States Air, defendant National Guard [Date Entered: 05/16/01, By: bs]
05/15/2001	20	<u>Yes: 3 Page(s); 71 KB; TIFF</u>	MOTION by defendant United States Air, defendant National Guard to extend time [Date Entered: 05/16/01, By: bs]
05/07/2001	19	<u>Yes: 8 Page(s); 262 KB; TIFF</u>	Reply Memorandum by defendant Washington Air, defendant Timothy J Lowenberg, defendant United States Air, defendant National Guard to Memorandum in Opposition to motion to dismiss [7-1] [Date Entered: 05/08/01, By: bs]
		<u>Yes: 2 Page(s); 42</u>	Response by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn to motion for

05/01/2001	18	<u>KB; TIFF</u>	appearance by the State of Washington to appear as Amicus Curiae [15-1] [Date Entered: 05/04/01, By: bs]
05/01/2001	17	<u>Yes: 9 Page(s); 400 KB; TIFF</u>	Proof of service of: 15-17 [Date Entered: 05/02/01, By: pp]
05/01/2001	16	<u>Yes: 2 Page(s); 50 KB; TIFF</u>	Memorandum in support of motion for appearance by the State of Washington to appear as Amicus Curiae [15-1] [Date Entered: 05/02/01, By: pp]
05/01/2001	15	<u>Yes: 3 Page(s); 100 KB; TIFF</u>	MOTION for appearance by the State of Washington to appear as Amicus Curiae [Date Entered: 05/02/01, By: pp]
04/24/2001	14	<u>Yes: 3 Page(s); 72 KB; TIFF</u>	Notice by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn of hearing setting motion for summary judgment oral arg Yakima, WA [10-1] ;oral argument 10:30 6/14/01 Yakima, WA [Date Entered: 04/25/01, By: pp]
04/24/2001	13	<u>Yes: 5 Page(s); 132 KB; TIFF</u>	Affidavit of Matthew Andersen by Alfred P Christoffersen, William J Gibson, Richard F Main, John R Warn re: motion for summary judgment oral arg Yakima, WA [10-1] [Date Entered: 04/25/01, By: pp]
04/24/2001	12	<u>Yes: 5 Page(s); 162 KB; TIFF</u>	Statement of facts by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn in support of motion for summary judgment oral arg Yakima, WA [10-1] [Date Entered: 04/25/01, By: pp]
04/24/2001	11	<u>Yes: 20 Page(s); 745 KB; TIFF</u>	Memorandum by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn in support of motion for summary judgment oral arg Yakima, WA [10-1] [Date Entered: 04/25/01, By: pp]
04/24/2001	10	<u>Yes: 3 Page(s); 73 KB; TIFF</u>	MOTION by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn for summary judgment oral arg Yakima, WA [Date Entered: 04/25/01, By: pp]
04/24/2001	9	<u>Yes: 19 Page(s); 646 KB; TIFF</u>	Response by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn to motion to dismiss [Date Entered: 04/25/01, By: pp]
04/11/2001	8	<u>Yes: 1 Page(s); 34 KB; TIFF</u>	Notice by defendant United States Air, defendant National Guard of hearing setting motion to dismiss [7-1] (w/o oral argument 5/17/01) [Date Entered: 04/13/01, By: pp]
04/11/2001	7	<u>Yes: 16 Page(s); 624 KB; TIFF</u>	MOTION by defendant United States Air, defendant National Guard to dismiss [Date Entered: 04/13/01, By: pp]
03/06/2001	6	<u>Yes: 9 Page(s); 287 KB; TIFF</u>	ANSWER by defendant United States Air, defendant National Guard [Date Entered: 03/07/01, By: bs]
03/05/2001	5	<u>Yes: 2 Page(s); 41 KB; TIFF</u>	ORDER by Judge Alan A. McDonald finding the motion to consolidate cases [2-1] moot. (cc: all counsel) [Date Entered: 03/05/01, By: bs]

02/05/2001	4	<u>Yes: 3 Page(s); 70 KB; TIFF</u>	ORDER by Judge Alan A. McDonald Ruling on motion to consolidate cases [2-1] is stayed (cc: all counsel) [Date Entered: 02/05/01, By: pp]
01/09/2001	3	<u>Yes: 2 Page(s); 56 KB; TIFF</u>	Notice by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn of hearing setting motion to consolidate cases [2-1] (w/o oral argument 1/19/01) [Date Entered: 01/10/01, By: bs]
01/09/2001	2	<u>Yes: 2 Page(s); 60 KB; TIFF</u>	MOTION by plaintiff Alfred P Christoffersen, plaintiff William J Gibson, plaintiff Richard F Main, plaintiff John R Warn to consolidate cases [Date Entered: 01/10/01, By: bs]
01/08/2001	1	<u>Yes: 19 Page(s); 655 KB; TIFF</u>	COMPLAINT FOR DECLARATORY RELIEF (Summons(es) issued) Fee-status: pd Receipt #: 46386 [Date Entered: 01/10/01, By: clk]

Electronic Case Manager™ - the Premier Electronic Case File Manager!

Memo

Exh 7

105

State of Washington

Court of Appeals, Division III
 PO Box 2159
 Spokane, WA 99201

Receipt

Date	Case No.
11/26/2003	184196

1637

Sold To
Walk Ins

		Check No.	Payment Method
			Cash
Item	Description	Rate	Amount
Misc-Printing	Printing - Christoffersen v. St. of WA	7.80	7.80
WA State Sales Tax	Washington State Sales Tax	8.10%	0.63
Please remit within 15 days. Please reference invoice number on check.		Total	\$8.43

106

RECEIVED

Winston & Cashatt

AUG 21 2002

1630
ALAWYERS
A PROFESSIONAL SERVICE CORPORATIONIn the Office of the Clerk of Court
WA State Court of Appeals, Division III

C. Matthew Andersen *
Beverly L. Anderson
Marie Baitone
Robert P. Basche
Richard L. Capas
Bonnie L. Charnay *
Robert H. Crick
Patrick J. Cronin *
Kevin J. Curda *
Stephen L. Farnell
John H. Guin *
Tim M. Higgins
Michael T. Howard
Carl E. Hueber
Brian T. McGinn *
Tamara W. Murock *
Frad C. Pflanz
Lyndon Q. Raemussen
James E. Reed

WASHINGTON OFFICE
BANK OF AMERICA FINANCIAL CENTER
801 W. RIVERSIDE, SUITE 1900
SPOKANE, WASHINGTON 99201
(509) 838-6131
Facsimile (509) 838-1418

IDAHO OFFICE
250 NORTHWEST BLVD., SUITE 107A
COEUR D'ALENE, IDAHO 83814
(208) 687-2103
Facsimile (208) 785-2121

Website: www.winstoncashatt.com
E-Mail: lawyers@winstoncashatt.com

By DR Richard W. Bolyea
Michael N. Shoemaker *
Patrick A. Sullivan
Courtney R. Tombari *
Lawrence H. Vance, Jr.
Lucinda S. Whaley
Marjorie D. Williams *

Of Counsel
Michael J. Cronin

Leo N. Cashatt (1910 - 1977)
Joseph J. Rekofke (1921 - 1997)
Patrick H. Winston (1904 - 1998)

All members admitted in Washington
*Also admitted in Idaho
*Also admitted in California
*Also admitted in Montana
*Also admitted in Texas
*Also admitted in Wyoming

FACSIMILE TRANSMITTAL

PLEASE DELIVER THE FOLLOWING MESSAGE TO:

NAME: Patricia CrandallCOMPANY: Court of Appeals, Division IIIFAX NUMBER: 456-4288FROM: C. Matthew AndersenTRANSMISSION DATE: August 21, 2002 C/M No. 1104-13668MESSAGE: cc: Evelyn Lopez # (360) 586-3593SENDING OPERATOR: clp NUMBER OF PAGES (including cover page): 2

- ☐ CONFIRMATION WILL FOLLOW BY MAIL/COURIER.
☒ CONFIRMATION WILL NOT FOLLOW.

PLEASE CALL (509) 838-6131 IF NOT RECEIVING PROPERLY.

UNLESS OTHERWISE INDICATED, THE INFORMATION IN THIS FACSIMILE IS INFORMATION PROTECTED BY THE ATTORNEY-CLIENT AND/OR ATTORNEY-WORK PRODUCT PRIVILEGES. IT IS INTENDED ONLY FOR THE INDIVIDUAL NAMED ABOVE, AND THE PRIVILEGES ARE NOT WAIVED BY VIRTUE OF THIS HAVING BEEN SENT BY FACSIMILE. IF THE READER OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE NAMED RECIPIENT, IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL PROMPTLY REIMBURSE YOU FOR THE TELEPHONE AND POSTAGE EXPENSE. THANK YOU.

107

Spokane Office
Bank of America Financial Center
601 W. Riverside, Suite 1900
Spokane, Washington 99201

Phone: (509) 838-6131
Fax: (509) 838-1416
website: www.winstoncashatt.com

Winston & Cashatt
LAWYERS
A Professional Service Corporation

1630
B

Winston & Cashatt has offices in Spokane, Washington,
Seattle, Washington and Coeur d'Alene, Idaho

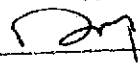
RECEIVED

August 21, 2002

AUG 21 2002

In the Office of the Clerk of Court
WA State Court of Appeals, Division III

Patricia I. Crandall
Clerk/Administrator
Court of Appeals Division III
P.O. Box 2159
Spokane, WA 99210

By 

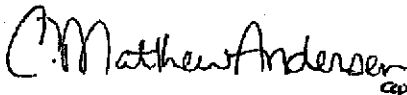
VIA FACSIMILE

RE: Christoffersen, et al. v. State of Washington;
Court of Appeals No. 18419-6-III

Dear Ms. Crandall:

This is to inform you that the above matter has settled and that the State will be forwarding documents to dismiss its appeal soon.

Very truly yours,


C. MATTHEW ANDERSEN

CMA:clp
cc: Evelyn Lopez

C. Matthew Andersen
Beverly L. Anderson
Heidi E. Appel
Maris Baltins
Robert P. Beschel
Richard L. Cess
Bonnie L. Churney
Patrick J. Cronin

Kevin J. Curtis
Robert H. Crick
Stephen L. Farnell
John H. Guin
Tim M. Higgins
Michael T. Howard
Carl E. Hueber
Brian T. McGinn

Tamara W. Murrock
Fred C. Pflanz
Lynden O. Rasmussen
James E. Reed
Richard W. Relyea
Michael N. Shoenmaker
Patrick A. Sullivan
Courtney R. Tombari

Lawrence H. Vance, Jr.
Lucinda S. Whaley
Meriwether D. Williams

All members admitted in WA

Members admitted in:
ID, CA, MT, TX and WY
as indicated

Of Counsel
James P. Connelly
Michael J. Cronin

Retired
Leo J. Driscoll

Leo N. Cashatt 1916-1977
Joseph J. Rekoftke 1921-1997
Patrick H. Winston 1961-1996

108



1631

Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

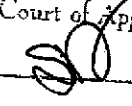
905 Plum Street, Bldg 3 • PO Box 40108 • Olympia WA 98504-0108

September 27, 2002

RECEIVED

SEP 30 2002

In the Office of the Clerk of Court
WA State Court of Appeals, Division III

By 

Ms. Patricia Crandall
Clerk of the Court of Appeals
Division III
P.O. Box 2159
Spokane, WA 99210


RE: *Christoffersen, et al. v. Washington Air Nat'l Guard, et al.*
Court of Appeals No. 18419-6-III

Dear Ms. Crandall:

Enclosed for filing please find the original and two copies of Petitioners' Withdrawal of Appeal in the above-entitled case.

Thank you for your cooperation in this matter.

Very truly yours,


EVELYN FIELDING LOPEZ
Senior Assistant Attorney General
(360) 586-9667

EFL:tim
Enclosure

cc: C. Matthew Andersen, w/enc.

109

1632

NO. 18419-6

**COURT OF APPEALS FOR DIVISION III
STATE OF WASHINGTON**

ALFRED P. CHRISTOFFERSEN,
WILLIAM J. GIBSON,
RICHARD F. MAIN, AND JOHN
R. WARN,

Respondents,

v.

THE WASHINGTON STATE
AIR NATIONAL GUARD;
STATE OF WASHINGTON;
AND THE ADJUTANT
GENERAL OF WASHINGTON
STATE, MAJOR GENERAL
ROBERT COLLINS,

Petitioners.

WITHDRAWAL OF
APPEAL

RECEIVED

SEP 30 2002

In the Office of the Clerk of Court
WA State Court of Appeals, Division III

By: SO

10/1/02

*There being no objection
this case is
dismissed.
Sally L. Prindle
Clerk*

The parties in this appeal, Petitioners Washington State Air National Guard, the State of Washington, and the Adjutant General of Washington State, Major General Robert Collins; and Respondents Alfred P. Christoffersen, William J. Gibson, and Richard F. Main, and John R. Warn, have resolved the legal dispute underlying this matter as evidenced by the attached settlement agreement.

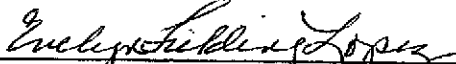
The Petitioners, Washington State Air National Guard, the State of Washington, and the Adjutant General of

1633

Washington State, Major General Robert Collins, respectfully
request to withdraw their appeal and dismiss this matter.

RESPECTFULLY SUBMITTED this 27th day of
September, 2002.

CHRISTINE O. GREGOIRE
Attorney General


EVELYN FIELDING LOPEZ
WSBA #18900
Attorneys for Petitioners

905 Plum Street, Building 3
Post Office Box 40108
Olympia, Washington 98504-0108
(360) 586-9667

111

1638

RECEIVED

OCT 08 2001

(Copy Receipt)

CLERK OF COURT OF APPEALS
(Clerk of Court of Appeals)
STATE OF WASHINGTON III

SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE

Alfred P. Christoffersen et al,

Plaintiff/Petitioner(s),

Vs.

State of Washington,

Defendant/Respondent(s).

NO. 18419-6-III

SUPERIOR CT NO. 81-2-03081-0

INDEX TO CLERKS PAPERS **AMENDED**
(INX)DATE FILEDTITLEPAGE

4/8/99	Affidavit of C. Matthew Andersen in Opposition to Motion to Dismiss	91- 567
4/28/99	Affidavit of Jonathan T. McCoy in Support of Motion Continuance	625- 626
12/1/82	Answer	30- 40
3/12/01	Certificate of Remand	643- 649
3/1/99	Defendants' Motion to Dismiss	88- 90
4/28/99	Memorandum in Support of Continuance	621- 623
3/1/99	Memorandum of Authorities in Support of State's Motion to Dismiss	60- 87
4/28/99	Motion for Continuance of Trial Date	624
7/13/84	Motion to Continue Matter W/out Prejudice	41- 42
5/3/99	Notice of Discretionary Review to Court of Appeals	629
8/21/85	Notice of Intention to Dismiss	45
6/26/00	Notice of Removal	636- 642
3/2/87	Notice of Substitution of Attorney	53
3/1/99	Notice of Substitution of Counsel	59
8/6/99	Order Continuing Trial Date	633
4/30/99	Order Denying Defendants' Motion for Continuance of Trial	627- 628
*4/30/99	Order Denying Defendants' Motion to Dismiss	628A-628B

112

1639

7/20/84	Order to Continue Matter W/out Prejudice	43- 44
12/11/86	Order to Continue Matter W/out Prejudice	51- 52
4/25/88	Order to Continue Matter W/out Prejudice	56- 57
4/8/99	Plaintiff's Memorandum in Opposition to the State's Motion to Dismiss	568- 601
4/28/99	Plaintiffs' Exhibit List	612- 617
6/17/98	Plaintiffs' Motion for Status Conference and to Request Pre-assignment	58
4/28/99	Plaintiffs' Witness List	618- 620
5/14/99	Pre-trial Conference Order	630- 632
4/13/99	Reply Memorandum of Authorities In Support of State's Motion to Dismiss	602- 611
9/17/99	Stipulation and Conditional Order of Dismissal Subject to Settlement	634- 635
9/17/85	Stipulation and Order to Continue Matter W/out Prejudice	46- 48
12/11/86	Stipulation to Continue Matter W/out Prejudice	49- 50
4/25/88	Stipulation to Continue Matter W/out Prejudice	54- 55
9/21/81	Summons & Complaint	1- 29

*Document was inadvertently omitted

113

1633
A

The Court of Appeals
of the
State of Washington
Division III

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

ALFRED P. CHRISTOFFERSEN, WILLIAM J.)
GIBSON, RICHARD F. MAIN and JOHN R.)
WARN,)

Respondents,)

v.)

THE WASHINGTON STATE AIR NATIONAL)
GUARD; STATE OF WASHINGTON AND)
THE ADJUTANT GENERAL OF)
WASHINGTON STATE, MAJOR GENERAL)
ROBERT COLLINS,)

Petitioners.)

CERTIFICATE OF FINALITY


No. 18419-6-III

Spokane County No. 81-2-03081-0

The State of Washington to: The Superior Court of the State of Washington,
in and for Spokane County

This is to certify that the Court of Appeals of the State of Washington, Division III, considered and granted a motion to dismiss the above-entitled case on October 1, 2002. Accordingly, this cause is returned to the Superior Court from which this matter was taken for further proceedings in accordance with the determination of that court.

In testimony whereof, I have hereunto set my hand and affixed the seal
of said Court at Spokane, this 2nd day of October, 2002.


Clerk of the Court of Appeals, State of Washington
Division III

cc: Evelyn F. Lopez
C. Matthew Anderson
Hon. Robert Austin



114

Division III
Patricia I. Crandall
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

*The Court of Appeals
of the
State of Washington*



Mailing Address:
PO Box 2159
Spokane, WA 99210

Location:
500 North Cedar St.
Spokane, WA 99201

1635
B

October 2, 2002

Evelyn Fielding Lopez
Assistant Attorney General
PO Box 40108
Olympia, WA 98504-0108

C. Matthew Anderson
Winston & Cashatt
601 West Riverside, Suite 1900
Spokane, WA 99201

Re: Court of Appeals No. 18419-6-III
Spokane County No. 81-2-03081-0
Alfred P. Christoffersen, et al v. State of Washington, et al

Dear Counsel:

Having received a Withdrawal of Appeal, the following notation was entered:

10/1/02

There being no objection, this case is dismissed.

**Patricia I. Crandall
Clerk**

Your copy of the Dismissal Certificate of Finality is enclosed.

Sincerely,


PATRICIA I. CRANDALL
Clerk/ Administrator

PIC:sd

Encl.

xc: Hon. Robert Austin, Superior Court Judge
Spokane County Clerk

115

Memo 7
State of Wash.
Doc's

1636

The Court of Appeals
of the
State of Washington
Division III

FILED
OCT 03 2002

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

Superior Court Doc's

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

ALFRED P. CHRISTOFFERSEN, WILLIAM J.)
GIBSON, RICHARD F. MAIN and JOHN R.)
WARN,)

Respondents,)

v.)

THE WASHINGTON STATE AIR NATIONAL)
GUARD; STATE OF WASHINGTON AND)
THE ADJUTANT GENERAL OF)
WASHINGTON STATE, MAJOR GENERAL)
ROBERT COLLINS,)

Petitioners.)

CERTIFICATE OF FINALITY

No. 18419-6-III

Spokane County No. 81-2-03081-0

The State of Washington to: The Superior Court of the State of Washington,
in and for Spokane County

This is to certify that the Court of Appeals of the State of Washington, Division III, considered and granted a motion to dismiss the above-entitled case on October 1, 2002. Accordingly, this cause is returned to the Superior Court from which this matter was taken for further proceedings in accordance with the determination of that court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at Spokane, this 2nd day of October, 2002.


Clerk of the Court of Appeals, State of Washington
Division III

cc: Evelyn F. Lopez
C. Matthew Anderson
Hon. Robert Austin

117

1637

NO. 18419-6

**COURT OF APPEALS FOR DIVISION III
STATE OF WASHINGTON**

ALFRED P. CHRISTOFFERSEN,
WILLIAM J. GIBSON,
RICHARD F. MAIN, AND JOHN
R. WARN,

Respondents,

v.

THE WASHINGTON STATE
AIR NATIONAL GUARD;
STATE OF WASHINGTON;
AND THE ADJUTANT
GENERAL OF WASHINGTON
STATE, MAJOR GENERAL
ROBERT COLLINS,

Petitioners.

WITHDRAWAL OF
APPEAL
RECEIVED

SEP 30 2002

In the Office of the Clerk of Court
WA State Court of Appeals, Division III

By: *[Signature]*

10/1/02

*There being no objection
this case is
dismissed.
Sally L. Brundage
Clerk*

The parties in this appeal, Petitioners Washington State Air National Guard, the State of Washington, and the Adjutant General of Washington State, Major General Robert Collins; and Respondents Alfred P. Christoffersen, William J. Gibson, and Richard F. Main, and John R. Warn, have resolved the legal dispute underlying this matter as evidenced by the attached settlement agreement.


The Petitioners, Washington State Air National Guard, the State of Washington, and the Adjutant General of

1638

Washington State, Major General Robert Collins, respectfully
request to withdraw their appeal and dismiss this matter.

RESPECTFULLY SUBMITTED this 27th day of
September, 2002.

CHRISTINE O. GREGOIRE
Attorney General


EVELYN FIELDING LOPEZ
WSBA #18900
Attorneys for Petitioners

905 Plum Street, Building 3
Post Office Box 40108
Olympia, Washington 98504-0108
(360) 586-9667

1639

MEMO TO FILE

Case Name Christoffersen v. WANG No. 18419-6
Spoke With Matt Anderson DATE: 10-1-02
MESSAGE 6868

No objection to Dismissal

Ini: *SO*

120

Memo
Exh 8

121

2196

2

SPokane Superior Court
Spokane WA
Thomas R Fallquist
Spokane County Clerk

Rcpt. Date: 11/28/2006
Acct. Date: 11/28/2006
Receipt #: 2006-01-15505
Cashier ID: JLE
Time: 08:56 AM

Item	Case Number	Amount
01	- - -	\$4.50
1505: Fee-Copies		
Ln		
Total Due:		\$4.50
Cash Tendered:		\$5.00
Change Due:		\$0.50

Paid By: CASH, PAYER UNKNOWN

122

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 1 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2197

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
1	09 21 1981	SMCMP	SUMMONS & COMPLAINT	
2	09 21 1981	BN	BOND	
			\$400.00	
3	09 28 1981	AFSR	AFFIDAVIT/DECLARATION OF SERVICE	
4	10 12 1981	NTAPR	NOTICE OF APPEARANCE	
			THOMAS F CARR	
		DEF01	WASH, STATE OF	
5	10 14 1981	NTAPR	NOTICE OF APPEARANCE	
			THEO J COLLINS	
		DEF01	WASH, STATE OF	
6	11 23 1981	NTAPR	NOTICE OF APPEARANCE	
			KENNETH O EIKENBERRY	
		DEF01	WASH, STATE OF	
7	04 08 1982	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY	
8	11 18 1982	MTCM	MOTION TO COMPEL	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

123

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 2 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2198

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
9	11 18 1982	NTMTDK	NOTE FOR MOTION DOCKET	
10	12 01 1982	AN	ANSWER	
11	06 21 1984	AFSR	AFFIDAVIT/DECLARATION OF SERVICE	
12	06 21 1984	NT	NOTICE	
13	07 13 1984	NTMTDK	NOTE FOR MOTION DOCKET	
14	07 13 1984	MTC	MOTION TO CONTINUE	
15	07 20 1984	ORCNT	ORDER OF CONTINUANCE	
16	08 21 1985	NT	NOTICE	
17	09 17 1985	ORCTDST	OR FOR CONT OF TRIAL DATE-STIPULATE	
18	10 22 1986	NT	NOTICE	
19	11 21 1986	DMJY12	DEMAND FOR JURY-12 PERSON	
20	11 21 1986	NTTRS	NOTICE FOR TRIAL SETTING	
21	12 11 1986	STP	STIPULATION	
22	12 11 1986	ORCNT	ORDER OF CONTINUANCE	
23	03 02 1987	NTSBC	NOTICE OF SUBSTITUTION OF COUNSEL	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

124

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 3 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2199

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
24	03 30 1988	NT	NOTICE	
25	04 25 1988	STP	STIPULATION	
26	04 25 1988	ORCNT	ORDER OF CONTINUANCE	
-	05 16 1989	OTHER	OTHER	
			CASE PENDING IN CIRCUIT COURT	
27	06 17 1998	MT	MOTION	
28	06 17 1998	NTHG	NOTICE OF HEARING	07-17-1998TF
			7/17/98 9 AM	
-	07 17 1998	MTHRG	MOTION HEARING	
		JDG09	JUDGE MICHAEL E. DONOHUE	
29	07 17 1998	ORP	ORDER OF PREASSIGNMENT	
		JDG09	JUDGE MICHAEL E. DONOHUE	
30	10 13 1998	CRRSP	CORRESPONDENCE	
31	10 13 1998	ORP	ORDER OF PREASSIGNMENT	
			JUDGE AUSTIN, ROBERT D	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

125

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 4 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2700
SUB# DATE CODE DESCRIPTION/NAME SECONDARY
32 10 13 1998 ORSCS ORDER SETTING CASE SCHEDULE 05-17-1999TS
JDG13 JUDGE PAUL A. BASTINE
- 11 19 1998 STAHRG STATUS CONFERENCE / HEARING
JDG01 JUDGE ROBERT D. AUSTIN
33 03 01 1999 NTSBC NOTICE OF SUBSTITUTION OF COUNSEL
ATD01 MCCOY, JONATHAN TATE
34 03 01 1999 MMATH MEMORANDUM OF AUTHORITIES
35 03 01 1999 MTDSM MOTION TO DISMISS
36 03 01 1999 NTHG NOTICE OF HEARING
04-02-1999 9:30AM JDG AUSTIN
37 03 25 1999 NTIS NOTICE OF ISSUE - AMENDED
4/15/99 1:30 PM W/JUDGE AUSTOM
38 04 08 1999 AF AFFIDAVIT
ATP01 ANDERSEN, CHARLES M
DEPO FILED UPSTAIRS

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

126

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 5 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2201

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
39	04 08 1999	MM	MEMORANDUM	
-	04 08 1999	OB	OBJECTION / OPPOSITION	
40	04 13 1999	MMATH	MEMORANDUM OF AUTHORITIES	
41	04 13 1999	MT	MOTION EXTENTION	
42	04 13 1999	AFS	AFFIDAVIT IN SUPPORT	
43	04 15 1999	RSP	RESPONSE	
44	04 15 1999	AF	AFFIDAVIT MCCOY, JONATHAN T	
-	04 16 1999	MTHRG	MOTION HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
45	04 28 1999	EXLST	EXHIBIT LIST	
		PLA01	CHRISTOFFERSEN, ALFRED P ETAL	
46	04 28 1999	WL	WITNESS LIST	
		PLA01	CHRISTOFFERSEN, ALFRED P ETAL	
47	04 28 1999	MM	MEMORANDUM SUPPORT	
48	04 28 1999	MTC	MOTION TO CONTINUE	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

127

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 6 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2207

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
49	04 28 1999	AFS	AFFIDAVIT IN SUPPORT	
50	04 29 1999	AF	AFFIDAVIT MARTINDALE, JANEL	
51	04 29 1999	OB	OBJECTION / OPPOSITION	
-	04 30 1999	MTHRG	MOTION HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
52	04 30 1999	RPT	REPORT TRIAL MANAGEMENT	
53	04 30 1999	AFS	AFFIDAVIT IN SUPPORT	
54	04 30 1999	ORDYMT	ORDER DENYING MOTION/PETITION	
55	04 30 1999	ORDYMT	ORDER DENYING MOTION/PETITION	
		JDG01	JUDGE ROBERT D. AUSTIN	
56	05 03 1999	NTDRCA	NT OF DISCR. REVIEW TO CT OF APPEAL	
-	05 12 1999	PTMHRG	PRE-TRIAL MANAGEMENT HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
57	05 14 1999	OR	ORDER RE: CONTINUANCE TO 08-30-1999	
		JDG01	JUDGE ROBERT D. AUSTIN	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

128

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 7 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2203

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
58	05 14 1999	CRRSP	CORRESPONDENCE	
59	05 17 1999	TRLC	TRANSMITTAL LETTER - COPY FILED	
-	08 06 1999	MTHRG	MOTION HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
60	08 06 1999	ORCNT	ORDER OF CONTINUANCE	11-30-1999TS
		JDG01	JUDGE ROBERT D. AUSTIN	
61	09 17 1999	ORCNT	ORDER OF CONTINUANCE	03-31-2000TS
		JDG01	JUDGE ROBERT D. AUSTIN	
-	09 17 1999	STHRG	STATUS CONFERENCE / HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
62	06 26 2000	NT	NOTICE OF REMOVAL	
			TO FEDERAL COURT	
-	03 09 2001	STHRG	STATUS CONFERENCE / HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
63	03 12 2001	CRT	CERTIFICATION OF REMAND	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

129

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 8 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2204

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
			BACK TO SUPERIOR CT FROM FED CT	
64	06 08 2001	MT	MOTION TO RELEASE FUNDS	
65	06 08 2001	NTHG	NOTICE OF HEARING	
			07-03-01 3 PM JDG AUSTIN	
66	06 29 2001	MMATH	MEMORANDUM OF AUTHORITIES	
67	06 29 2001	DCLR	DECLARATION OF JONATHAN T MCCOY	
-	07 03 2001	MTHRG	MOTION HEARING	
		JDG01	JUDGE ROBERT D. AUSTIN	
68	07 03 2001	ORDF	ORDER TO DISBURSE FUNDS	<i>last doc. in current computer file</i>
		JDG01	JUDGE ROBERT D. AUSTIN	
69	07 03 2001	ORSTD	ORDER SETTING TRIAL DATE	
			10-29-01 AT 9 AM	
		JDG01	JUDGE ROBERT D. AUSTIN	
70	07 09 2001	LTR	LETTER FROM CT APPEALS	
71	07 20 2001	DSGCKP	DESIGNATION OF CLERK'S PAPERS	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

130

JSM007 DISPLAY DOCKET SPOKANE SUPERIOR 11-28-06 08:55 9 OF
CASE#: 81-2-03081-0 JUDGMENT# NO JUDGE ID: 9
TITLE: CHRISTOFFERSEN, ALFRED P ETAL VS WASHINGTON, STATE OF ETAL
NOTE1: *REMANDED BACK FROM FED CT
NOTE2: DOC 1 THRU 26 ROLL C-55
CAUSE: TTO TORT-OTHER STATUS: CMPL DATE: 10/03/20

2205

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
72	07 27 2001	INX	INDEX TO CLERKS PAPERS	
-	07 23 2001	CLP	CLERK'S PAPERS SENT (1-649)	
73	08 27 2001	TRLC	TRANSMITTAL LETTER - COPY FILED	
74	10 08 2001	INX	INDEX TO CLERK'S PAPERS - AMENDED	
75	10 12 2001	TRLC	TRANSMITTAL LETTER - COPY FILED	
76	10 03 2002	CROF	CERTIFICATE OF FINALITY	
77	01 06 2006	NTWDA	NOTICE OF WITHDRAWAL OF ATTORNEY	
78	11 15 2006	MTDSM	MOTION TO DISMISS	
79	11 15 2006	NTMTDK	NOTE FOR MOTION DOCKET	
			12-22-2006 11:30AM JUDGE AUSTIN	

? F1=Help Enter=Process F7=Bwd F8=Fwd PA1=Cancel

131

MEMO
EXH 9

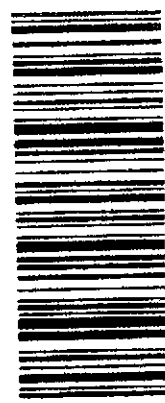
2162

11/16 -
11/21 -
12/1

UNITED STATES POSTAGE
\$ 04.88⁰⁰
03 15 2003
0004022860 NOV 15 2003
MAILED FROM ZIP CODE 99209



CERTIFIED MAIL



7160 3901 9849 3613 7809

RETURN RECEIPT REQUESTED

Winston & Cashatt
L A W Y E R S
A Professional Service Corporation

Richard F. Main
W. 26203 Prewett Road
Reardan, WA 99209-9634

133

Spokane Office

Bank of America Financial Center
601 W. Riverside, Suite 1900
Spokane, Washington 99201-0695

Phone: (509) 838-6131

Fax: (509) 838-1416

website: www.winstoncashatt.com

Winston & Cashatt

L A W Y E R S

A Professional Service Corporation

2163

*Winston & Cashatt has offices in Spokane, Washington,
Seattle, Washington and Coeur d'Alene, Idaho*

November 15, 2006

Richard F. Main
W. 26203 Prewett Road
Reardan, WA 99209-9634

Re: Christoffersen, et al. vs. Washington State Air National Guard

Dear Dick:

- 1 Attached is a motion set in front of Judge Austin. The purpose of this motion is to dismiss the entire matter of Cause No. 81-2-03081-0. If the motion is granted, it would mean an end of the case, including any claim you might have against the State or Federal government. The date of the hearing is December 22, 2006 at 11:30 a.m. in front of Judge Austin.
- 2 As I no longer represent you it is not appropriate for me to detail to the judge your objection to the settlement. For that reason I have merely stated you have asked to be heard.
- 3 This will be the time for you to present your objection to the judge about the performance by the defendants of the terms of the settlement. As I understand you object for failure of the government (either State or Federal) to complete a correction of your records. You have been paid in full and are regularly receiving the corrected civilian and military pay. You refuse to identify for me what is missing. If there is some other objection I ask to be advised of such prior to the hearing so I can address it if it is in my power to do such.
- 4 As I have long stated, I am unaware of any missing document or any incomplete entry in correction for your record. If you will advise me of what is missing and in fact that record should have been provided, I will undertake to get that document. I would also tell the judge that the case as to you should not be dismissed until that document was obtained. Without that information, however, I am duty bound under our rules (CR 11) not to advance any argument for

C. Matthew Andersen *in*
Beverly L. Anderson
Courtney R. Beaudoin *in*
Robert P. Beschel
Richard L. Cease
Bonnie L. Charney *in*
Patrick J. Cronin *in*
Kevin J. Curtis *in*
Robert H. Crick
Stephen L. Farnell

Donald J. Gary, Jr. *in*
John H. Guin *in* *MT*
Tim M. Higgins
Michael T. Howard *in*
Carl E. Hueber
Nancy L. Isserlis
Jason M. Ketricks *in*
Brian T. McGinn *in*
Kammi L. Mencke
Elizabeth A. Mosey

Fred C. Pflanz
Lynden O. Rasmussen
James E. Reed
Richard W. Relyea
Eowen S. Rosentrater
Patrick A. Sullivan
Lawrence H. Vance, Jr. *in*
Lucinda S. Whaley
Meriwether D. Williams *in* *MT*

Of Counsel
James P. Connelly

Retired
Leo J. Driscoll

Leo N. Cashatt 1910-1977
Joseph J. Rekofke 1921-1997
Patrick H. Winston 1904-1996

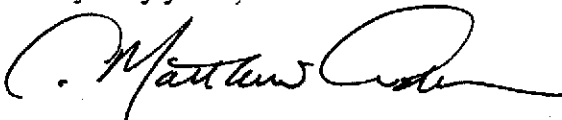
2164

which I do not have a good faith basis to assert. At this point, I could not submit to Judge Austin something is missing. If you wish to enlighten me, please do so promptly and I will act.

- 5 If you have hired new legal counsel, please let me know so I can communicate with that lawyer. If you proceed on you own, which is your right; I want to alert you to the fact that Judge Austin is required to hold you to the same standard in knowing the rules and procedures as a licensed attorney. This would include the proper documents to file with the court so you can be heard. I would strongly urge you to seek competent legal counsel to advise you on this motion as if Judge Austin enters the order as I request you will be bound by the result.
- 6 The State will be joining in my motion. Attorney Susan Thomsen is going to contact you to make the same request that you advise as to the missing document.
- 7 As a final matter, I continue to rely upon your representation that you will hold the funds due to Winston & Cashatt in trust pending the final order of Judge Austin. My firm has relied upon your representations to me.

If you have any questions you feel comfortable asking me, please do so.

Very truly yours,




C. MATTHEW ANDERSEN

CMA:cma
Enclosure

cc: Paula Gibson-Smith
Alfred P. Christoffersen
John R. Warn

135

2165

(Copy Receipt)		(Clerk's Date Stamp)
 SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE		
ALFRED P. CHRISTOFFERSEN, et al.,		CASE NO. 81-02-03081-0
vs.	Plaintiffs,	NOTE FOR HEARING ISSUE OF LAW
THE WASHINGTON STATE AIR NATIONAL GUARD, et al.,		(NTMTDK)
Defendants.		

TO THE CLERK AND TO: Defendants' Counsel and Richard F. Main

The undersigned has scheduled a Motion to Dismiss, a copy of which is attached. The hearing is scheduled for Friday, December 22, 2006 at 11:30 a.m. before the assigned Judge Robert D. Austin, Spokane County Superior Court, 1116 W. Broadway Avenue, Spokane, WA 99260-0350.

Motions must be confirmed NO LATER THAN 12:00 NOON, 2 DAYS BEFORE THE HEARING by contacting the judicial assistant for the assigned judge, or the presiding judge for cases that are not assigned.

Name: C. Matthew Andersen (print/type) Bar ID: 6868

Address: 601 W. Riverside, Ste. 1900 Telephone No: 509-838-6131

City, State, Zip: Spokane, WA 99201

Signed:  Date: November 15, 2006

AUTHORITIES

Cite those authorities which form primary basis for your legal position. Where case authority is cited, provide reference to specific page of opinion, which is controlling. Likewise reference applicable sections or subsection of statutes or court rules. This does not substitute for required Memorandum of Authorities.

Applicable Court Rule: 2A

Applicable Statute:

Applicable Case Law:

NOTE FOR HEARING-ISSUE OF LAW
CR40(a)(2): RCW 4.44.020

PAGE 1 OF 2
Rev: 05/2003

136

2166

CERTIFICATE OF SERVICE


The undersigned hereby certifies that on the 15 day of November, 2006, the foregoing was caused to be served on the following person(s) in the manner indicated:

Susan E. Thomsen Attorney General of Washington 7141 Cleanwater Drive SW P.O. Box 40108 Olympia, WA 98504-0108 Attorney for Defendants	VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/>
Richard F. Main W. 26203 Prewett Road Reardan, WA 99209-9634	VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/>


C. MATTHEW ANDERSEN

137

2323

(Copy Receipt)		(Clerk's Date Stamp)
 SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE		
ALFRED P. CHRISTOFFERSEN, et al.,		CASE NO. 81-02-03081-0
	Plaintiffs,	SECOND AMENDED NOTE FOR HEARING ISSUE OF LAW
vs.		(NTMTDK)
THE WASHINGTON STATE AIR NATIONAL GUARD, et al.,		
	Defendants.	

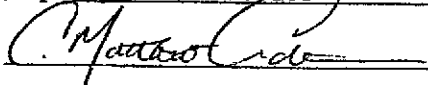
TO THE CLERK AND TO: Defendants' Counsel and Richard F. Main

The undersigned has scheduled a Motion to Dismiss, a copy of which was previously filed. The hearing is scheduled for Friday, March 2, 2007 at 11:00 a.m. before the assigned Judge Robert D. Austin, Spokane County Superior Court, 1116 W. Broadway Avenue, Spokane, WA 99260-0350.

Motions must be confirmed **NO LATER THAN 12:00 NOON, 2 DAYS BEFORE THE HEARING** by contacting the judicial assistant for the assigned judge, or the presiding judge for cases that are not assigned.

Name: C. Matthew Andersen (print/type) Bar ID: 6868
Address: 601 W. Riverside, Ste. 1900 Telephone No: 509-838-6131

City, State, Zip: Spokane, WA 99201

Signed:  Date: January 19, 2007

AUTHORITIES

Cite those authorities which form primary basis for your legal position. Where case authority is cited, provide reference to specific page of opinion, which is controlling. Likewise reference applicable sections or subsection of statutes or court rules. This does not substitute for required Memorandum of Authorities.

Applicable Court Rule: 2A
Applicable Statute:
Applicable Case Law:

NOTE FOR HEARING-ISSUE OF LAW
CR40(a)(2): RCW 4.44.020

PAGE 1 OF 2
Rev: 05/2003

138

2324

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of January, 2007, the foregoing was caused to be served on the following person(s) in the manner indicated:

<p>Susan E. Thomsen Attorney General of Washington 7141 Cleanwater Drive SW P.O. Box 40108 Olympia, WA 98504-0108</p>	<p>VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/></p>
<p>Attorney for Defendants</p>	
<p>Kyle W. Nolte 12209 E. Mission, Suite 5 Spokane, WA 99206</p>	<p>VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/></p>
<p>Attorney for Richard Main</p>	


 C. MATTHEW ANDERSEN

139

2167

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

ALFRED P. CHRISTOFFERSEN, WILLIAM
J. GIBSON, RICHARD F. MAIN, and JOHN
R. WARN,

Plaintiffs,

vs.

THE WASHINGTON STATE AIR
NATIONAL GUARD; STATE OF
WASHINGTON, and THE ADJUTANT
GENERAL OF WASHINGTON STATE,
MAJOR GENERAL ROBERT COLLINS,

Defendants.

No. 81-02-03081-0

MOTION TO DISMISS

1. RELIEF REQUESTED

Plaintiffs, ALFRED P. CHRISTOFFERSEN, WILLIAM J. GIBSON, and JOHN R. WARN, ("CHRISTOFFERSEN, GIBSON and WARN") request the Court enter an order dismissing this action as to all parties with prejudice and without costs or attorney fees to any party.

MOTION TO DISMISS
PAGE 1

140

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
Bank of America Financial Center
601 West Riverside Avenue, Suite 1900
Spokane, Washington 99201-0895
(509) 838-6131

2168

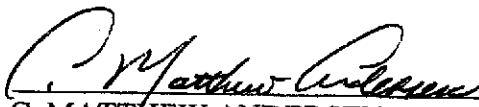
1
2 This motion is made for the reason that the moving parties have settled all claims and the
3 action is to be dismissed. On June 18, 2002, all Plaintiffs executed a Settlement Agreement and
4 Mutual Release, which resolved all matters and released all claims against the Defendants.
5 Paragraph 12 of the Settlement Agreement stated that the parties would dismiss all pending
6 actions upon satisfaction of the terms of the Agreement. Plaintiffs CHRISTOFFERSEN,
7 GIBSON and WARN have been satisfied as to compliance with the Agreement and request
8 dismissal of this matter. Plaintiff GIBSON is deceased but joined in the request prior to his
9 death.
10

11 On January 6, 2006 a Notice of Intent to Withdraw was filed with this Court withdrawing
12 as attorney of record for Plaintiff RICHARD F. MAIN effective January 20, 2006. No objection
13 has been filed to that request.
14

15 Plaintiff MAIN has indicated a desire to be heard by the Court on his position concerning
16 dismissal of the action.

17 Moving Plaintiffs have been advised the Defendants have no objection to this motion.

18 DATED this 15th day of November, 2006.
19

20 

21 C. MATTHEW ANDERSEN, WSBA No. 6868
22 WINSTON & CASHATT

23 Attorney for Plaintiffs,

24 Alfred P. Christoffersen, William J. Gibson, and
John R. Warn

MOTION TO DISMISS
PAGE 2
141

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
Bank of America Financial Center
601 West Riverside Avenue, Suite 1900
Spokane, Washington 99201-0695
(509) 838-6131

2169

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of November, 2006, the foregoing was caused to be served on the following person(s) in the manner indicated:

<p>Susan E. Thomsen Attorney General of Washington 7141 Cleanwater Drive SW P.O. Box 40108 Olympia, WA 98504-0108</p> <p>Attorney for Defendants</p>	<p>VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/></p>
<p>Richard F. Main W. 26203 Prewett Road Reardan, WA 99209-9634</p>	<p>VIA REGULAR MAIL <input checked="" type="checkbox"/> VIA CERTIFIED MAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA FEDERAL EXPRESS <input type="checkbox"/></p>


C. MATTHEW ANDERSEN

MOTION TO DISMISS
PAGE 3

142

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
Bank of America Financial Center
601 West Riverside Avenue, Suite 1900
Spokane, Washington 99201-0695
(509) 838-6131

2170

(Copy Receipt)

(Clerk's Date Stamp)



SUPERIOR COURT OF
WASHINGTON
COUNTY OF SPOKANE

ALFRED P. CHRISTOFFERSEN, WILLIAM J.
GIBSON, RICHARD F. MAIN, and JOHN R.
WARN,

Plaintiffs

vs.

THE WASHINGTON STATE AIR NATIONAL
GUARD; STATE OF WASHINGTON, and THE
ADJUTANT GENERAL OF WASHINGTON
STATE, MAJOR GENERAL ROBERT COLLINS,

Defendants

CASE NO. 81-02-03081-0

ORDER ON MOTION TO DISMISS

[PROPOSED]

Plaintiffs ALFRED P. CHRISTOFFERSEN, WILLIAM J. GIBSON, and JOHN R. WARN, has requested an Order on its Motion to Dismiss. The Court having considered the Motion; and the pleadings filed herein, and having heard oral arguments of counsel and afforded Plaintiff Richard F. Main the opportunity to be heard on Friday, December 22, 2006, and further being fully advised in the premises,

The Court finds that this matter has been fully compromised and settled. All terms and conditions of the settlement have been fulfilled and there is no just reason to delay entry of an order dismissing this matter as to all parties.

ORDER ON MOTION TO DISMISS
PAGE 1

143

2171

IT IS HEREBY ORDERED:

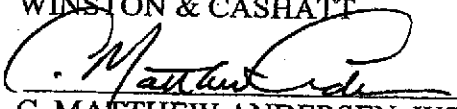
This action is hereby dismissed with prejudice and without costs or attorney fees to any party.

DONE IN OPEN COURT this _____, 2006.

JUDGE ROBERT D. AUSTIN

Presented by:

WINSTON & CASHATT



C. MATTHEW ANDERSEN, WSBA No. 6868

Attorneys for Plaintiffs

Alfred P. Christoffersen, William J. Gibson, and
John R. Warn

Approved:

SUSAN E. THOMSEN, WSBA No. _____
Attorney General of Washington

RICHARD F. MAIN

Memo
Ex 17 10

145

